

REMARKS

In response to the Office Action dated April 8, 2004, Applicant respectfully requests reconsideration based on the above claim amendment and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-38 were pending in this application. Claims 1, 7, 13, 21, 25, 31, 33, and 36 have been amended hereby to clarify the invention. No claim has been cancelled or added. Accordingly, claims 1-38 will be pending herein upon entry of this Amendment. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action mailed, claims 1-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayduk et al. (U.S. Patent No. 5,870,452). To the extent this rejection might still be applied to claims presently pending in this application, it is respectfully traversed.

Regarding the § 103 rejection of independent claims 1, 7, 13, 21, 25, 31, 33, and 36, Applicant notes that the Office Action has not established a prima facie case of obviousness, which requires three criteria be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicant believes that the rejection of record does not satisfy any of the three criteria.

The passage of Hayduk (column 1, lines 50-61) that is referenced in the Office Action and relied upon to support the § 103 rejection of the present application is found in the Background of the Invention of Hayduk, which provides:

A Service Switching Point (SSP) 12 determines that the call is invoking the *69 call back service which requires assistance from an Integrated Service Control Point (ISCP) 16. SSP 12 launches a message to a Signaling Transfer Point (STP) 14, which directs the message to the appropriate ISCP 16. ISCP 16 determines the Signaling Point Code (SPC) (i.e., the address of a network element) of the appropriate ISCP 17 or STP 18 in Network B and routes the message accordingly. ISCP 17 of Network B checks its database (not shown) and routes the requested information to Network B's SSP 19, which completes the call.

The Office Action apparently relied on the known *69 technology to render the present invention obvious, stating that it would be obvious to expand the two-digit code to three to five digits codes of the present invention. As known in the art and explained in column 1, lines 46-47, the *69 code is associated the telephone number of the last person that called a called party, and the called party can subsequently dial the *69 code to reach that last person. Accordingly, the telephone number that is associated with the *69 code changes depending on who the last person is. The present invention, on the other hand, associates a subscription code with a telephone number of a subscriber. The telephone number that is associated with the subscription code does not change. Indeed, it is an objective of the present invention to “permanently” associates the telephone number with the subscription code so that anyone who dials the subscription code will always reach the same party: the subscriber of the subscription code.

Further, Applicant respectfully submits that present invention is fundamentally different from the Hayduk invention. The Abstract of Hayduk, in its entirety with emphasis added, provides:

In the proposed Local Number Portability (LNP) telecommunications network, the traditional link between the first six digits of a ten-digit dialed number and the geographic link of a switch is broken. Some pre-LNP telephone services, however, have been implemented based on this geographic link. For the services to continue to work in an LNP environment, network databases must be simultaneously updated with information reflecting the fact that subscribers have switched from one local service provider to another. If these databases are not simultaneously updated, the possibility for looping messages between network elements arises. The present invention provides a method and system for controlling looping messages between network elements wherein a unique code for each incoming message is generated and stored along with the time the message was received. The codes for subsequently received messages are checked against the table entries to determine if the message has been previously received and, if so, how much time has passed since the message was first received. If this time is less than a threshold, the message is assumed to be looping.

Thus, the Hayduk invention dynamically generates "a unique code for each incoming message" for the purpose of "controlling looping messages." The present invention, on the other hand, is a method for routing telephone calls generated by a caller (or the calling party) dialing a subscription code that is associated with a subscriber (or the called party) of the subscription code. In the present invention, the caller does not dial the subscriber's telephone number at all but uses the subscription code that is associated with the telephone number. In Hayduk, the calling party must first dials a telephone number of a called party, a unique code is then generated, and if desirable, the called party then dials the unique code to reach the calling party. In Hayduk, the association between the unique code and the telephone number depends on who was the last calling party who most recently dialed the called party's telephone number. In the present invention, the subscription code is "permanently" associated with the subscriber's telephone number.

Applicant has added a limitation to each of independent claims 1, 7, 13, 21, 25, 31, 33, and 36 to clarify this distinction between Hayduk and the present invention. For example, in claim 1, it is recited that "the telephone number is not a variable that depends on the most recent calling party who dialed the telephone number of the subscriber." An identical or similar limitation is provided in each of the remaining independent claims.

At least for the reason that each independent claim is patentable over Hayduk, dependent claims 2-6, 8-12, 14-20, 22-24, 26-30, 32, 34-35 and 37-38 are believed to be patentable as well. Accordingly, Applicant believes all the rejections of record have been overcome, and claims 1-38 are in condition for allowance.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

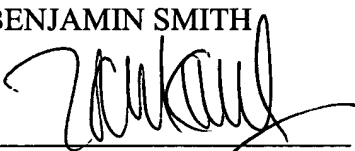
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703-770-7696

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Respectfully submitted,

BENJAMIN SMITH

By:


Poh C. Chua
Registration No. 44,615

PCC:kmh